



18 January 2024

The Hon. Sonya Kilkenny MP  
Minister for Planning  
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**Re: Making it easier to build small second dwellings planning reform**

Dear Minister,

I write on behalf of the National Trust of Australia (Victoria) with an urgent request for the revision of the recently gazetted planning reform for permit exemptions to build a small second dwelling and its application to properties under Heritage Overlay.

We are concerned with the reforms for permit exemptions for a secondary dwelling, which was gazetted 15 January 2024. Not only has there been no consultation regarding these reforms, but their application to places with a Heritage Overlay so long as they meet only two requirements is very problematic.

In practise this reform would allow a property under Heritage Overlay to build an extension to an existing heritage dwelling that would not require a permit, so long as it is no higher than 5 metres and finished in muted tones. While that same property would still require a permit (albeit through Vic Smart in some cases) to make small changes to the front of the existing heritage building or build an extension to the rear that is not considered a second dwelling.

In addition, the second dwelling is only required to be set back from the front wall of the existing dwelling (this could be as little as 50 mm) with no conditions on the method of attachment which may require substantial demolition of the existing dwelling.

We acknowledge that this policy decision was determined by the Victorian Government as part of implementing Victoria's Housing Statement. We understand the aim of this reform, to make it easier to build small second homes as part of the government's target to build 800,000 homes over the next decade.

As stated in our [response to the Housing Statement](#), the National Trust supports the government's intention to develop a modern, fit for purpose planning scheme. However, the changes in this planning scheme amendment, rather than addressing existing short comings, are further convoluting the planning system. We are concerned with the possibility of rushing through reforms, which could see speedy decisions having irreversible consequences for our significant local cultural heritage.

The National Trust does not believe it is practical or necessary for permit exemptions for second dwellings to apply to properties with a Heritage Overlay. Claims that Heritage Overlays “lock up land” and restrict urgently needed development opportunities for community growth in the current housing crisis are unfounded. Approximately less than 7% of dwellings in Victoria are protected by a Heritage Overlay. With roughly 2.5 million dwellings without heritage controls in the state. The application of permit exemptions to this minimal number of properties is likely to have little impact on increasing available housing stock.

Furthermore, this reform effectively defeats the purpose of local heritage controls, which is to ensure any changes or additions to the properties protected consider the significant heritage values of a place. We find that the requirements to warrant a permit exemption for properties under Heritage Overlay are too simplistic for the wide range of considerations required when modifying heritage places. Ensuring that a building is finished in muted tones is not a guarantee for how such building extensions will respond respectfully to the range of significant heritage buildings that have a Heritage Overlay. Additionally restricting the extension height to not exceed 5 metres, will do little if the extension is directly adjacent to a heritage dwelling with a minimum setback from the front wall or if the existing dwelling is below 5 metres.

We respectfully request that you revise the reform and reconsider the application of permit exemptions for a secondary dwelling to properties under Heritage Overlay. If you would like to discuss any of our points further, I welcome you to contact our office on 03 9656 9844 or at [samantha.westbrooke@nattrust.com.au](mailto:samantha.westbrooke@nattrust.com.au). Otherwise we look forward to discussing these issues with you in our upcoming meeting.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Simon Ambrose', with a long horizontal flourish extending to the right.

Simon Ambrose  
Chief Executive Officer  
National Trust of Australia (Victoria)